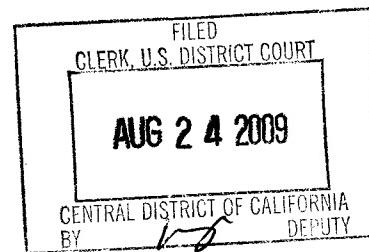


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8
9 Attorneys for Plaintiff
UNITED STATES OF AMERICA

10
11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 UNITED STATES OF AMERICA, Case No. 09-MJ-01902-
14 Plaintiff,
15 v.
16 DALE RUSSELL,
17 Defendant.

18
19 Plaintiff, United States of America, by and through its
20 counsel of record, hereby requests detention of defendant and gives
21 notice of the following material factors:

22 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
23 following grounds:

24 _____ a. present offense committed while defendant was on
25 release pending (felony trial), (sentencing),
26 (appeal), or on (probation) (parole); or

- 1 b. defendant is an alien not lawfully admitted for
2 permanent residence; and
3 c. defendant may flee; or
4 d. pose a danger to another or the community.

5 X 2. Pretrial Detention Requested (§ 3142(e)) because no
6 condition or combination of conditions will reasonably
7 assure:

- 8 X a. the appearance of the defendant as required;
9 X b. safety of any other person and the community.

10 3. Detention Requested Pending Supervised Release/Probation
11 Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18
12 U.S.C. § 3143(a)):

- 13 a. defendant cannot establish by clear and convincing
14 evidence that he/she will not pose a danger to any
15 other person or to the community;
16 b. defendant cannot establish by clear and convincing
17 evidence that he/she will not flee.

18 4. Presumptions Applicable to Pretrial Detention (18 U.S.C.
19 § 3142(e)):

- 20 a. Title 21 or Maritime Drug Law Enforcement Act
21 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with
22 10-year or greater maximum penalty (presumption of
23 danger to community and flight risk);
24 b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or
25 2332b(g)(5)(B) with 10-year or greater maximum
26 penalty (presumption of danger to community and
27 flight risk);

- 1 c. offense involving a minor victim under 18 U.S.C. §§
2 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251,
3 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),
4 2260, 2421, 2422, 2423 or 2425 (presumption of
5 danger to community and flight risk);
6 d. defendant currently charged with an offense
7 described in paragraph 5a - 5e below, AND defendant
8 was previously convicted of an offense described in
9 paragraph 5a - 5e below (whether Federal or
10 State/local), AND that previous offense was
11 committed while defendant was on release pending
12 trial, AND the current offense was committed within
13 five years of conviction or release from prison on
14 the above-described previous conviction (presumption
15 of danger to community).

16 X 5. Government Is Entitled to Detention Hearing Under §
17 3142(f) If the Case Involves:

- 18 a. a crime of violence (as defined in 18 U.S.C. §
19 3156(a)(4)) or Federal crime of terrorism (as
20 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
21 maximum sentence is 10 years' imprisonment or more;
22 b. an offense for which maximum sentence is life
23 imprisonment or death;
24 c. Title 21 or MDLEA offense for which maximum sentence
25 is 10 years' imprisonment or more;

26

27

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- 1 d. any felony if defendant has two or more convictions
2 for a crime set forth in a-c above or for an offense
3 under state or local law that would qualify under a,
4 b, or c if federal jurisdiction were present, or a
5 combination of such offenses;
6 e. any felony not otherwise a crime of violence that
7 involves a minor victim or the possession or use of
8 a firearm or destructive device (as defined in 18
9 U.S.C. § 921), or any other dangerous weapon, or
10 involves a failure to register under 18 U.S.C. §
11 2250;
12 x f. serious risk defendant will flee;
13 g. serious risk defendant will (obstruct or attempt to
14 obstruct justice) or (threaten, injure, or
15 intimidate prospective witness or juror, or attempt
16 to do so).
17 6. Government requests continuance of _____ days for
18 detention hearing under § 3142(f) and based upon the
19 following reason(s):
20 _____
21 _____
22 _____
23 _____

24 //

25 //

26 //

27 //

28 //

7. Good cause for continuance in excess of three days exists in that:

Dated: August 24, 2009

Respectfully submitted,
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